

★ MAY 15 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LORREN VINCENTE WHITFIELD,

Plaintiff,

v.

MEMORANDUM & ORDER
18-CV-1232 (WFK) (LB)

NATALIE JOHNSON, SHAMEEKA McALLISTER,
MARLENY ARIZA, JUDITH JAMES, P.S. 28 a/k/a
Warren Prep Academy; MARIA ZUBAIR, HETAL
M. SHAH, DIONNE LOWERY, ROBIN KARASYK,
KEISHA FRANCIS, JOHN/JANE DOES 1-25,

Defendants.
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WILLIAM F. KUNTZ, II, United States District Judge:

On February 26, 2018, Plaintiff Lorren V. Whitfield ("Whitfield") filed this action on his behalf and on behalf of his minor daughter. Although difficult to comprehend, the complaint appeared to arise from a child neglect petition filed against Whitfield in Family Court. He paid the filing fee to commence this action and a summons was issued by the Clerk of Court.

By Memorandum and Order dated March 19, 2018, the Court dismissed the complaint as to any claims on behalf of Whitfield's minor child and directed Whitfield to file an amended complaint within 30 days. The Court also concluded that Angel Luis Torres, Jr, as a non-attorney, could not represent Whitfield or the minor child.¹

By Memorandum and Order dated March 27, 2019, the Court directed Whitfield to file an amended complaint which complies with Rule 8 of the Federal Rules of Civil Procedure within 30 days in order to proceed with this action.

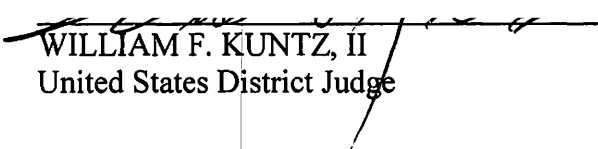
¹ Whitfield did not amend the complaint and instead filed a notice of appeal. The United States Court of Appeals for the Second Circuit affirmed the dismissal of the complaint as to Whitfield's claims on behalf of his daughter. The Second Circuit also found that "Whitfield's complaint was thoroughly confused, ambiguous, and unintelligible, and failed to provide the defendants with fair notice of the claims against them" in violation of Rule 8 of the Federal Rules of Civil Procedure ("Rule 8").

The Court notified Whitfield that if he failed to file an amended complaint within the 30-day period, judgment shall enter dismissing this action without prejudice. To date, more than 30 days have elapsed and Whitfield has not filed an amended complaint or shown good cause why he cannot comply.

Accordingly, the Clerk of Court is directed to enter judgment dismissing this action without prejudice. Although Whitfield paid the filing fee to commence this action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/WFK


WILLIAM F. KUNTZ, II
United States District Judge

Dated: Brooklyn, New York
May 14, 2019